

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAURO SANCHEZ, LUIS SANTOS, et al.,
Plaintiffs,
-vs-
BELLCLAIRE, INC. and KYUNG LEE,
Defendants.

07 CIV. 3429 (WHP)

**ANSWER CONTAINING
AFFIRMATIVE DEFENSES**

**DEFENDANTS BELLCLAIRE, INC. and KYUNG LEE BY THEIR ATTORNEY,
THE LAW OFFICE OF JONATHAN Y. SUE,
FOR THEIR ANSWER HEREIN:**

FIRST: Denies each and every allegation contained within the paragraphs **1; 2; 14; 16; 20; 21; 22; 23; 24; 26; 27** and **28** of the complaint herein.

SECOND: Denies knowledge or information sufficient to form a belief as to each and every allegation contained in Paragraphs numbered **3; 3; 4; 5; 6; 8; 9; 10; 11; 12; 13; 15; 18; 19** and **25** of the complaint herein.

THIRD: Admits each and every allegation contained in Paragraph numbered **7** of the complaint herein and leaves all questions of law to the Court.

**AS AND FOR A FIRST SEPARATE AFFIRMATIVE COMPLETE AND/OR
PARTIAL DEFENSE, DEFENDANTS ALLEGE:**

FOURTH: That, the plaintiffs' complaint fails to set forth facts sufficient upon which to base a cause of action against the defendants.

FIFTH: As a result of the foregoing, the plaintiffs' complaint must be dismissed as a matter of law.

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AS AND FOR A SECOND SEPARATE AFFIRMATIVE COMPLETE AND/OR PARTIAL DEFENSE, DEFENDANTS ALLEGE:

SIXTH: Plaintiffs are estopped from bringing this action.

SEVENTH: As a result of the foregoing, plaintiffs' complaint must be dismissed as a matter of law.

AS AND FOR A THIRD SEPARATE AFFIRMATIVE COMPLETE AND/OR PARTIAL DEFENSE, DEFENDANTS ALLEGE:

EIGHTH: Plaintiffs are barred from bringing this action based on the doctrine of Laches.

NINTH: As a result of the foregoing, plaintiffs' complaint must be dismissed as a matter of law.

AS AND FOR A FOURTH SEPARATE AFFIRMATIVE COMPLETE AND/OR PARTIAL DEFENSE, DEFENDANTS ALLEGE:

TENTH: Statute of limitations.

ELEVENTH: As a result of the foregoing, plaintiffs' complaint must be dismissed as a matter of law.

AS AND FOR A FIFTH SEPARATE AFFIRMATIVE COMPLETE AND/OR PARTIAL DEFENSE, DEFENDANTS ALLEGE:

TWELFTH: Defendants at all relevant times complied with all applicable statutes and laws and therefore, plaintiffs cannot recover punitive or liquidated damages.

THIRTEENTH: As a result of the foregoing, plaintiffs' complaint must be dismissed as a matter of law.

AS AND FOR A SIXTH SEPARATE AFFIRMATIVE COMPLETE AND/OR PARTIAL DEFENSE, DEFENDANTS ALLEGE:

FOURTEENTH: Defendants reserve the right to assert additional defenses as plaintiffs'

claims are clarified in the course of this litigation.

WHEREFORE, Defendants respectfully demands judgment as follows:

- (a) dismissing plaintiffs' complaint with prejudice, together with the costs and disbursements of this action and reasonable attorneys' fees;
- (b) such other and further relief in favor of Defendants as this Court may deem just and proper.

Dated: New York, New York
June 14, 2007

LAW OFFICE OF JONATHAN Y. SUE

/s/

By: Jonathan Y. Sue (JS / 0738)
Attorney for Defendants
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